

IN THE CLAIMS:

Please cancel claims 2-3 and 13-20.

Please amend claim 11 as follows:

B2 -- N. (amended) The implant according to claim 1, wherein the means for positioning the lens in the anterior chamber of the eye to prevent contact between the implant and the anatomic lens comprises two haptics wherein each haptic is normal to the peripheral edge of the positive artificial refracting lens. f-

REMARKS

In anticipation of the Examiner's concerns about the claims pending in the above-captioned application, Applicant provides herein the following remarks.

Claims 1 and 4-12 are currently pending. Claims 2-3 and 13-20 have been canceled in favor of the issuance of claims 2-3 and 13-20 in parent application Serial No. 09/282,476. Claim 11 has been amended to more particularly point out and distinctly claim the subject matter of Applicant's invention. No new matter has been added as the amendment is supported by the specification at page 15, lines 10-11; page 15, line 21 to page 16, line 11; and page 20, lines 12-13; and FIG. 2, elements 13 and 14.

1. The Invention

Applicants have invented a positive power anterior chamber ocular implant for placement in the anterior chamber of a phakic eye (*i.e.*, an eye having an anatomic lens *in situ*) comprising a positive artificial refracting lens having at least one convex surface and a means for positioning the lens in the anterior chamber of the eye wherein the lens avoids contacting other

anatomic bodies and the means for positioning the positive refractive lens avoids contact with the iris and the corneal endothelium. Such a positive power will correct farsightedness, *i.e.*, hyperopia.

2. Claims 1, 4 and 9-11 Are Not Anticipated

In the parent application, the Examiner rejected claims 1, 4 and 9-11 under 35 U.S.C. §102(b) as anticipated by U.S. Patent Nos. 4,950,228 and 4,871,368 issued to Kelman (hereinafter "the Kelman patents"). According to the Examiner, figures 2 and 3 of Kelman disclose an intraocular lens having all of the presently claimed features. Further, the Examiner stated that claims 9 and 10 allegedly do not provide a distinguishing feature over the prior art because the terms "rigid" and "foldable" are relative and interpreted broadly to cover any embodiment. The Examiner also objected to claim 11 because the claim did not state to which surface of the lens the haptic is normal.

Applicants respectfully disagree. The Examiner's concerns appear to center around the schematic drawing shown in FIG. 3 of the Kelman patents, wherein the anterior surface of the intraocular lens is convex and the posterior surface of the intraocular lens appears planar. However, this illustration does not in fact show a planar posterior surface but illustrates a concave posterior surface. All of the embodiments described in the Kelman patents disclose intraocular lenses for the treatment of myopia, which necessitates the use of a negative power lens. In combination with a convex anterior surface, a planar posterior surface does not create a negative power intraocular lens and cannot treat myopia. In fact a lens having a convex anterior surface and a planar posterior surface would worsen the myopic condition. It is Applicants belief that the illustration represents a plan view (*i.e.*, as if looking at the side of the intraocular lens in

three dimension) and not a cross-section view. A cross-sectional view of the lens in FIG. 3 would by necessity show a concave posterior surface. Therefore, the Kelman patents do not disclose, teach or suggest, alone or in combination, the currently claimed invention, which covers positive power intraocular lenses. Claims 9 and 10 are also allowable by their depending on claim 1.

In response to the Examiner's comments about claim 11, Applicants have amended claim 11 to indicate that the haptics are normal to the "peripheral edge" of the positive artificial refracting lens, which is supported in the specification at page 15, lines 10-11; page 15, line 21 to page 16, line 11; page 20, lines 12-13; and illustrated in FIG. 2, elements 13 and 14. Applicants believe this amendment obviates the Examiner's concern.

3. Claims 5-8 and 12 Are Non-Obvious.

In the parent application, the Examiner rejected claims 5-8 and 12 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Nos. 4,950,228 or 4,871,368 issued to Kelman (the "Kelman patents"). Specifically, the Examiner alleges that the specific dimensions claimed are a design choice because it is based upon the specific size and shape of an individual's eye and, without a showing of clear criticality, would have been obvious to a person of ordinary skill in the art to have modified the size differences in the intraocular lenses. The Examiner also stated that the choices of materials as set out in claims 6-8 for intraocular lenses allegedly would have been well known to those in the art.

It is noteworthy that the Examiner has cited each of the Kelman patents in the alternative and not in combination because the Kelman patents share the same disclosure (*i.e.*, U.S. Patent No. 4,950,288 is a continuation of U.S. Patent No. 4,871,363). As discussed above,

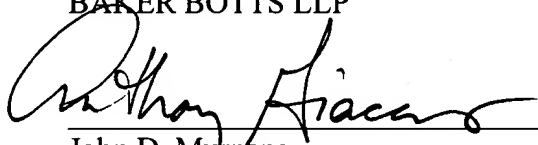
the Kelman patents do not disclose, teach or suggest a "positive power anterior chamber ocular implant" nor do they disclose teach or suggest "a positive artificial refracting lens having a least one convex surface" as specified in claim 1. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness. In addition, claims 5-8 and 12 set forth additional limitations that further distinguish them over the prior art.

4. Conclusion

Applicants respectfully request favorable consideration and allowance of all pending claims 1 and 4-12.

Respectfully submitted,

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